

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DARCIE M. PENCE,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

Defendant.

CASE NO. 12-cv-05492 BHS

ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Judge J. Richard Creatura, United States Magistrate Judge, on Defendant's Stipulated Motion for Remand Pursuant to Sentence Six, 42 U.S.C. § 405(g) (ECF No. 12), and the relevant record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) The matter is REMANDED pursuant to sentence six of 42 U.S.C. § 405(g) to the Commissioner for a *de novo* hearing;
- (3) This Court retains jurisdiction over this action;

- 1 (4) After remand, the Commissioner of Social Security shall modify or affirm the
2 Commissioner's findings of fact or the Commissioner's decision, or both, and
3 shall file with the Court any such additional or modified findings of fact and
4 decision;
- 5 (5) If the outcome still is not fully favorable to Plaintiff, the Commissioner shall file
6 with the Court a transcript of the additional record and testimony on which the
7 Commissioner's action in modifying or affirming is based, and plaintiff may seek
8 judicial review by reinstating this case rather than by filing a new complaint; and
- 9 (6) If the outcome is favorable to Plaintiff, the parties shall move this Court for entry
10 of Judgment.

11 Dated this 21st day of August, 2012.

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14 BENJAMIN H. SETTLE
15 United States District Judge
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